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In re Application of	:	
GROSSFELD et al.	:	
Application No.: 10/562,459	:	DECISION ON PETITION
PCT No.: PCT/US04/14997	:	
Int. Filing Date: 12 May 2004	:	UNDER
Priority Date: 03 July 2003	:	
Attorney Docket No.: 2043.059US1	:	37 CFR 1.497(d)
For: METHOD AND SYSTEM FOR	:	
MANAGING DATA TRANSACTION	:	
REQUESTS	:	

This decision is in response to applicants' "RENEWED PETITION UNDER 37 C.F.R. 1.497(d)" filed in the United States Patent and Trademark Office (USPTO) on 29 March 2006.

### **BACKGROUND**

On 12 May 2004, applicants filed international application PCT/US04/14997, which designated the United States and claimed a priority date of 03 July 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 03 February 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 03 January 2006.

On 29 December 2005, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, the basic national fee, a declaration of inventors, and a "REQUEST TO CORRECT INVENTORSHIP PURSUANT TO 37 C.F.R. 1.497(d)".

On 27 January 2006, a decision was mailed dismissing applicants' request under 37 CFR 1.497(d) because the written consent of the assignee did not contain documentary evidence of a chain of title from the original owner to the assignee. The decision also noted that the declaration of inventors filed 29 December 2005 was not in compliance with 37 CFR 1.497(a)-(b) because there was a difference in names in two of the named inventors between the published international application (Randy Wigginton and Chris Kasten) and the declaration of inventors (Kenneth

Randall Wigginton and Christopher J. Kasten, respectively). The decision further noted that because this difference in names was more than a mere typographical error or a phonetic misspelling of each of applicant's legal names, a proper petition under 37 CFR 1.182 was required in order to resolve the matter.

On 29 March 2006, applicants submitted the instant renewed petition under 37 CFR 1.497(d) as well as a petition under 37 CFR 1.182.

### **DISCUSSION**

#### **Petition Under 37 CFR 1.497(d)**

37 CFR 1.497(d), provides:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or if a change to the inventive entity has been effected under PCT Rule 92<sup>bis</sup> subsequent to the execution of any oath or declaration which was filed in the application under PCT Rule 4.17(iv) or this section and the inventive entity thus changed is different from the inventive entity identified in any such oath or declaration, applicant must submit:

- (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
- (2) The processing fee set forth in Sec. 1.17(I); and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see Sec. 3.73(b) of this chapter); and
- (4) Any new oath or declaration required by paragraph (f) of this section.

As noted in the decision mailed 27 January 2006, applicants have satisfied items (1) and (2) and as to item (4), a new declaration is not required by 37 CFR 1.497(f) in the instant situation.

Applicants have now satisfied item (3).

#### **Petition Under 37 CFR 1.182**

The petition fee has been paid. The statements of Kenneth Randall Wigginton and Christopher J. Kasten are accepted. The declaration of inventors filed 29 December 2005 is in compliance with 37 CFR 1.497(a)-(b).

### **CONCLUSION**


For the reasons set forth above, the request under 37 CFR 1.497(d) is **GRANTED**.

For the reasons set forth above, the petition under 37 CFR 1.182 is **GRANTED**.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT

Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application, including the accordation of a 35 U.S.C. §§371(c)(1), (c)(2), and (c)(4) date of **29 December 2005**.



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